

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-118085-001 DT

06/15/2011

HONORABLE JOSEPH C. WELTY

CLERK OF THE COURT
K. Johnson
Deputy

STATE OF ARIZONA

THOMAS MCDERMOTT
AARON HARDER

v.

MICHAEL JOHN JAKSCHT (001)

ROBYN GREENBERG VARCOE
JENNIFER L WILLMOTT

VICTIM SERVICES DIV-CA-CCC

TRIAL MINUTE ENTRY
DAY 7

Prior to commencement of today's proceeding, Defendant's exhibit #433 and State's exhibits #434 and 435 are marked for identification.

State's Attorney:	Thomas McDermott and Aaron Harder
Defendant's Attorney:	Robyn Varcoe and Jennifer Willmott
Defendant:	Present
Court Reporter:	Debbie Croci

11:03 a.m. Trial to a jury continues from June 14, 2011. The jury is not present.

LET THE RECORD REFLECT that State's Case Agent, Jeffery Schuh, is present and seated behind State's counsel's table.

Discussion is held regarding Juror Question #23 and procedural issues.

Pursuant to the agreement of the parties, the State will re-open direct examination prior to Defense counsel beginning cross examination.

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Both sides announce ready.

11:06 a.m. The jury is present.

Officer Virgil Toland, having previously been sworn, resumes the stand and testifies further.

State's exhibit #434 is received in evidence.

Defendant's exhibit #433 is received in evidence.

The Court addresses the jury regarding their availability for conducting trial on Friday, June 17, 2011.

12:02 p.m. The jury is reminded of previous admonitions and excused from the courtroom. Court remains in session.

Discussion is held regarding scheduling.

Based upon the discussion with the parties, the Court determines that holding trial on Friday, June 17, 2011, is not necessary.

Discussion is held regarding procedural issues.

LET THE RECORD REFLECT that the Defense does not object to bifurcating Mr. Musselman's testimony.

The Court will permit Mr. Aurora to testify today.

12:14 p.m. The court stands at recess.

1:32 p.m. Court reconvenes with the Defendant and respective counsel present. The jury is not present.

Court Reporter, Debbie Croci, is present.

Case Agent, Jeffery Schuh is present and seated behind State's counsel's table.

Both sides announce ready.

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1:34 p.m. The jury is present.

Officer Virgil Toland resumes the stand and testifies further.

The Court receives questions from the jury.

2:37 p.m. The jury is excused from the courtroom. Court remains in session.

Court and counsel discuss the juror questions previously received.

3:04 p.m. The court stands at recess.

3:28 p.m. Court reconvenes with the Defendant and respective counsel present. The jury is not present.

Court reporter, Debbie Croci, is present.

Case agent, Jeffery Schuh is present and seated behind State's counsel's table.

Both sides announce ready.

3:30 p.m. The jury is present.

Officer Virgil Toland resumes the stand and testifies further.

Some of the previously submitted juror questions are asked of the witness.

FILED: Juror Question forms (#23-38)

The witness is excused subject to recall.

Joseph Aurora is sworn and testifies.

State's exhibits #192, 194, 200 and 201 are received in evidence.

The witness is excused.

4:25 p.m. The jury is reminded of previous admonitions and is excused from the courtroom, to return on June 16, 2011, at 11:00 a.m. Court remains in session.

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Discussion is held regarding scheduling, procedural and legal issues.

The Court urges the parties to present case law for the Court's review regarding the testimony of Detective Campbell, and further legal discussion will be held in this matter on **June 16, 2011, at 10:30 a.m.** The Defendant waives his presence for this legal discussion.

4:30 p.m. The court stands at recess until **June 16, 2011, at 10:30 a.m.**

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>. Attorneys are encouraged to review Supreme Court Administrative Orders 2010-117 and 2011-10 to determine their mandatory participation in eFiling through AZTurboCourt.